

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAWRENCE J. ACKER, *et al.*,

Plaintiffs,

Case No. 08-13071

v.

Hon. Gerald E. Rosen

HOME CITY ICE COMPANY, INC., *et al.*,

Defendants.

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**ORDER GRANTING DEFENDANTS' MOTION
TO STAY TIME TO RESPOND TO COMPLAINT**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on August 8, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

By motion filed on July 25, 2008, Defendants seek an order staying their obligation to respond to the complaint in this case, pending either (i) the filing of a consolidated amended complaint in MDL Case No. 08-md-1952, multidistrict litigation which is currently pending before Judge Borman of this District, or (ii) further order of the MDL Court. Plaintiffs filed a response in opposition to this motion on August 7, 2008, and Defendants filed a reply in further support of their motion later that same day. From these filings, it is evident that the parties dispute whether this case qualifies as a “tag-along” action as that term is defined under MDL Rule of Procedure 1.1. In order to afford this Court and the MDL Court an adequate opportunity to explore this question,

see MDL Rule of Procedure 7.5(a); Local Rule 83.11(b)(7)(C), Eastern District of Michigan,¹

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendants' July 25, 2008 motion to stay time to respond to complaint is GRANTED. Accordingly, IT IS FURTHER ORDERED that Defendants' obligation to answer, move, or otherwise plead in response to the complaint in this action is STAYED until either (i) the defendants in MDL No. 08-md-1952 are obligated under the orders of the MDL Court to respond to a consolidated amended complaint in the multidistrict litigation, in the event that this action is determined to be a "tag-along" to the MDL, or (ii) further order of this Court or any other Court to which this case might be reassigned as a companion.

SO ORDERED.

s/Gerald E. Rosen
United States District Judge

Dated: August 8, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 8, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager

¹The Court notes that Plaintiffs' counsel failed to identify this case as a possible companion to MDL No. 08-md-1952, despite an apparent obligation to do so. *See* Local Rule 83.11(b)(7)(B), Eastern District of Michigan.